

REMARKS

This reply is in response to the Final Office Action dated March 17, 2008. Claims 1, 3-9, 12-18, and 21-25 are pending in the application and stand rejected.

Claims 1, 3-9, 12-18, and 21-25 were rejected under 35 U.S.C. § 112 first and second paragraphs. Applicants have amended claims 1, 21, and 25 as suggested by the Examiner to remove the term “about”, thus placing the application in condition for allowance and/or reduce issues for appeal. Further, claim 1 is amended to delete “mPE” and replace the term with “mLLDPE”, support for which is found at, for example, page 7, paragraph [0033].

Applicants request that these rejections be withdrawn.

Double Patenting

Claims 1 and 3-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 23-35 and 37-49 of co-pending application Davis et al. (U.S.S.N. 10/803,318; hereafter “Davis”).

Applicants note that the rejection is provisional pending the allowance of any one claim from the present application or from *Davis*. As such, the provisional double patenting rejection should be held in abeyance, e.g., until such point as the pending claims are allowable but for such double patenting rejections. At that time, Applicants will, if necessary, submit the appropriate terminal disclaimer(s) to obviate any then-pending double patenting rejections.

Furthermore, Applicants note that the M.P.E.P. instructs the Examiner to withdraw a provisional double patenting rejection in the earlier filed of two pending applications and to allow that earlier filed application to issue as a patent without a terminal disclaimer. See M.P.E.P. 804(I)(B)(1). The present application being the earlier filed application of the two. Therefore, withdrawal of the provisional double patenting rejection is respectfully requested.

Appl. No.: 10/669,221
Atty. Docket No.: 2003B101
Amdt. dated April 23, 2008
Reply to Non-Final Office Action of March 17, 2008

All issues having now been fully addressed, this application is believed to be in condition for allowance. Applicants request early and favorable reconsideration in the form of a Notice of Allowance (if prior to the issuance of USSN 10/803,318). If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2003B101).

Respectfully submitted,

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